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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,372	12/04/2003	Graeme G. Schreiber	GB920020044US2	6981

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ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,372

Applicant(s)

SCHREIBER ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on April 19, 2007. Claims 1, 3-5 have been amended, claim 2 has been cancelled and new claims 6-9 have been added.

Response to Arguments

2. Applicant's arguments filed on 04/19/07 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroll US 6,405,922 B1 (hereinafter Kroll).

5. As per Claim 6, Kroll teaches a computer selectively granting access to a user by receiving an input password [figure 1];

comparing the input password to a reference password, wherein the comparing undertaken by the computer includes:

determining a first time interval between keystrokes in the input password [fig 1, T0, T1, etc.,];

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determining a second time interval between keystrokes in the input password [figure 1, T0, T1, etc.,];

determining a ratio of the first and second time intervals (i.e., dividing T0, T1, ... Tn, with some Time T) [column 7, lines 43-56];

comparing the ration to a time interval ratio associated with the reference password to render a ratio comparison [column 7, lines 43-56 and column 3, lines 15-21]; and

based at least in part on the ratio comparison, deciding whether to grant the user access [column 7, lines 43-56 and column 3, lines 15-34].

6. As per claims 7 and 9, Kroll further teaches the system wherein the computer also bases an access decision on a comparison of at least one absolute time interval between keystrokes in the input password to a respective absolute interval associated with the reference password [column 3, lines 15-34].

7. As per claim 8, Kroll further teaches the system wherein the computer also bases access decision a comparison of a sequence of keystrokes in the input password to a sequence of keystrokes associated with the reference password (i.e., pin authentication, column 2, lines 1-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kermani US 6,895,514 B1 in view of Kroll (US 6,405,922 B1).

9. As per claims 1, 3 and 5, Kermain teaches a computer readable medium bearing logic executable by a computer for:

receiving from the user, a unique identifier, the unique identifier comprising both a sequence of keystrokes and the inter-keystroke intervals associated with provision of those keystrokes [column 1, lines 13-35, 45-67 and column 2, lines 19-27];

comparing the unique identifier received from the user with a reference unique identifier by:

comparing the sequence with a sequence from the reference unique identifier to render a sequence comparison [column 3, lines 21-30]

comparing at least one absolute inter-keystroke interval of the unique identifier with a respective absolute inter-keystroke interval of the reference unique identifier to render an absolute comparison and returning a true indication if the absolute inter keystroke interval of the unique identifier is within a predetermined tolerance of the absolute inter-keystroke interval of the reference identifier [column 2, lines 29-40, 55-60 and column 5, line 61-column 6, line 8];

and

authenticating said user if the sequence comparison and the absolute comparison return a true indication [column 7, lines 33-50, column 8, lines 22-55]. Kermain is silent on comparing a relative key-stroke with a reference relative key-stroke, the relative key-stroke/reference relative key-stroke being a ratio of an absolute inter-keystroke interval in the reference unique identifier to a predetermined absolute inter-keystroke interval in the unique identifier.

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However, within the same field of endeavor, Kroll teaches comparing at least one relative inter-keystroke interval of the unique identifier, the relative inter-keystroke interval being a ratio of an absolute inter-keystroke interval in the unique identifier to a predetermined absolute inter-keystroke interval in the unique identifier, with a respective reference relative inter-keystroke interval of the reference unique identifier, the reference relative inter-keystroke interval being a ratio of an absolute inter-keystroke interval in the reference unique identifier to a predetermined absolute inter-keystroke interval in the reference unique identifier, to render relative comparison and returning a true indication if the relative inter-keystroke interval of the unique identifier is within a predetermined tolerance of the relative inter-keystroke interval of the reference identifier (i.e., dividing $T_0, T_1, \dots T_n$, with some Time T , column 7, lines 43-56 and column 3, lines 15-34). It would have been obvious to one having ordinary skill in the art at the time of applicants invention to employ the teachings of Kroll within the system of Kermani in order to enhance the security of the system by further adding an extra layer of authentication on top of the methods taught by Kermani.

Allowable Subject Matter

10. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

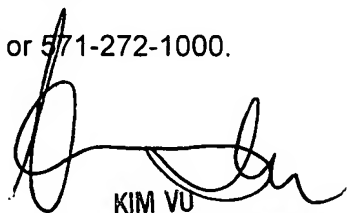
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada


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